

REMARKS

In response to the Office Action dated July 6, 2009, Applicant respectfully requests reconsideration and reexamination of the present Application as amended. Claims 2-78 were previously pending in this application with claims 29-31 and 74 being withdrawn from consideration by the Examiner. By this amendment, claims 2, 4, 19, 25, and 42 have been amended. Claims 3, 5-13, 18, 32-40, 51-72, and 75-78 have been canceled, and new claims 79 and 80 have been added. As a result, claims 2, 4, 14-17, 19-28, 41-50, 73, 79, and 80 are pending for examination with claims 2, 3, 4, 79, and 80 being independent claims. No new matter has been added to the present Application by this Amendment.

Each of the rejections levied in the outstanding Office Action is addressed individually below:

Claim Rejections – 35 U.S.C. § 112

The Examiner rejected claims 2-4, 12, 13, 14, 18-22, 24-28, 41-45, 47-49, 71-73 under 35 U.S.C. §112, first paragraph, for lack of enablement. The Examiner maintains that the specification, while being enabling for R' being alkyl or alkoxy, X being an alkyl, and R₁₋₂ and R₁₋₃ being alkyl or alkyl substituted by a phenyl or pyridine, does not reasonably provide enablement for all the substituents as recited in the pending claims.

Applicant assumes in this response that Examiner is referring to R₂ and not R' in his rejection, as Formula (II) does not contain an R'.

Without conceding the correctness of the Examiner's rejection and solely in order to further prosecution, the claims have been amended without prejudice to recite:

R₂ is selected from the group consisting of: alkyl and alkylenyl-O-alkyl;

X is -CH(R₉)- [...]; R₉ is selected from the group consisting of hydrogen and alkyl, and

R₁₋₂ and R₁₋₃ are independently selected from the group consisting of hydrogen, alkyl, and alkyl substituted by one or more substituents selected from the group consisting of aryl, and heteroaryl.

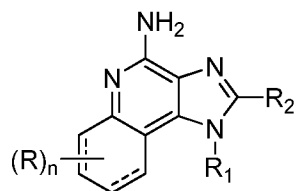
In addition to the compounds that the Examiner considered enabled by the Application, Applicant would like point out that support for R_{1-2} and R_{1-3} being hydrogen can be found in Example 30 and Example 42, respectively.

In view of the current amendment, Applicant respectfully requests that the rejection be withdrawn.

Claim Rejections – 35 U.S.C. § 102

The Examiner rejected claims 2-28 and 32-73 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 6,573,273 (Crooks *et al.*). Applicant respectfully disagrees.

Crooks *et al.* teaches compounds of the general formula:

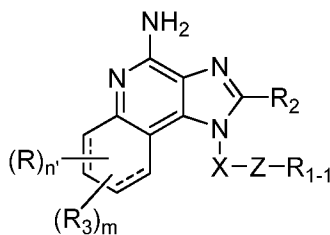


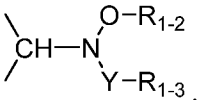
wherein R_1 is $-\text{alkyl}-\text{NR}_3-\text{CO}-\text{O}-\text{R}_4$ or $\text{alkenyl}-\text{NR}_3-\text{CO}-\text{O}-\text{R}_4$;

R_4 is aryl, heteroaryl, heterocyclyl, alkyl, or alkenyl ...; and

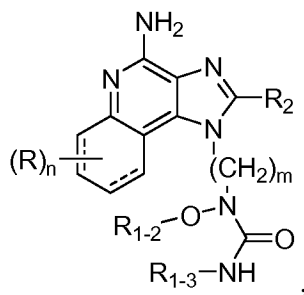
R_3 is independently selected from the group consisting of hydrogen and C_{1-10} alkyl (column 5, lines 37-39).

The present Application claims compounds of the general formula



wherein X is an alkylene; and Z is .

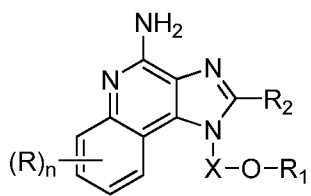
Crooks *et al.* does not teach compounds of the general formula:



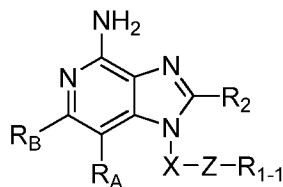
which would correspond to R_3 being $O-R_{1-2}$ with R_{1-2} defined as hydrogen, alkyl, alkenyl-O-alkyl, or alkyl, substituted by one or more substituents selected from the group consisting of: aryl, and heteroaryl. Consequently Crooks *et al.* does not teach the claimed invention. Therefore, claims 2-28, 32-73 are not anticipated by Crooks *et al.* Applicant respectfully requests that the rejection be withdrawn.

The Examiner also rejected claims 2-28 and 32-73 under § 102 as being anticipated by Crooks *et al.*

Crooks *et al.* teaches compounds of the general formula:



The Examiner states that the pending claims are drawn to compounds similar to the ones of Crooks *et al.*, that is:



wherein X is an alkyl chain interrupted by an O; Z is an oxime or a urea group; and R_2 is an alkyl group; and R_A and R_B together form a carbocyclic ring.

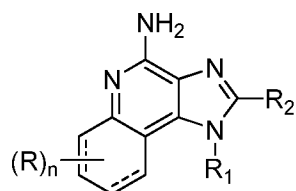
Without conceding the correctness of the Examiner and solely in order to further prosecution, Applicant has amended the claims without prejudice in such a way that X is not interrupted by one or more -O- groups. This amendment renders the rejection moot because Crooks

et al. does not teach the currently claimed compounds, and Applicant requests that the rejection be withdrawn.

Claim Rejections – 35 U.S.C. § 103

The Examiner rejected claims 2-28 and 32-73 under 35 U.S.C. § 103 as being anticipated by U.S. Patents 6,573,273 and 6,656,938 (Crooks *et al.*). Applicant respectfully disagrees.

Crooks *et al.* (U.S. Patent 6,573,273) teaches compounds of the general formula:

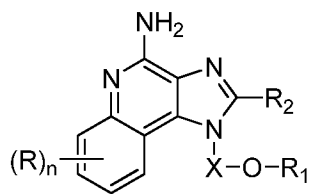


wherein R₁ is –alkyl-NR₃-CO-O-R₄ or alkenyl-NR₃-CO-O-R₄;

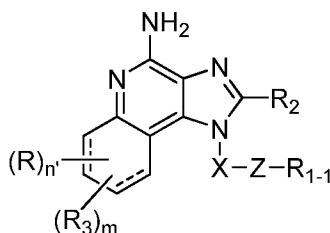
R₄ is aryl, heteroaryl, heterocyclyl, alkyl, or alkenyl;

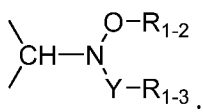
R₃ is independently selected from the group consisting of hydrogen and C₁₋₁₀ alkyl ;

as well as compounds of general formula (from U.S. Patent 6,656,938):

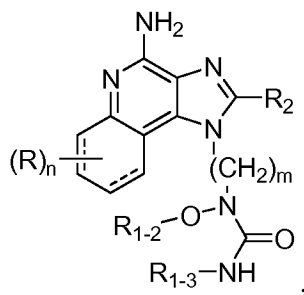


The instant Applicant claims compounds of the general formula



wherein X is an alkylenyl and Z is 

Crooks *et al.* does not teach compounds of the general formula:



which would correspond to R_3 being $O-R_{1-2}$ with R_{1-2} defined as hydrogen, alkyl, alkenyl-O-alkyl, or alkyl substituted by one or more substituents selected from the group consisting of: aryl, and heteroaryl. Consequently, Crooks *et al.* (U.S. Patent 6,573,273) does not teach the claimed compounds.

Even if Crooks *et al.* (U.S. Patent 6,656,938) taught compounds similar to the ones of the instant invention, in view of the current amendment, the instant claimed compounds do not contain X interrupted by -O-. Consequently, Crooks *et al.* (U.S. Patent 6,656,938) does not teach the claimed compounds of the instant Application.

In addition, there is no teaching or motivation to modify the compounds taught by Crooks *et al.* (US 6,573,273) to replace the hydrogen or alkyl with an $O-R_{1-2}$ group wherein R_{1-2} is hydrogen, alkyl, alkenyl-O-alkyl, and alkyl, substituted by one or more substituents selected from the group consisting of aryl and heteroaryl. Without such a teaching or suggestion, the Examiner has failed to establish a *prima facie* case of obviousness. Therefore, Applicant requests that the rejection of claims 2-28 and 32-73 be removed.

In view of the above amendments, applicant believes the pending application is in condition for allowance.

Please charge in additional fees associated with the filing of this response, or credit any overpayments, to our Deposit Account No. 23/2825, under Docket No. C1271.70048US01, from which the undersigned is authorized to draw.

Dated: October 6, 2009

Respectfully submitted,

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